

REMARKS

Claims 1-14 are pending in the present application. Claims 8-11 and 14 have been withdrawn from consideration. Claims 1-7, 12 and 13 stand rejected. Applicants wish to thank Examiner Lankford for his time and helpful suggestions given during an interview on March 27, 2002.

Claim rejections under 35 U.S.C. §102

Claims 1-7 and 12-13 stand rejected U.S.C. §102 as anticipated by Dubeau et al (*Anticancer Research* 10: 1223-1240, 1990). Examiner alleges that the fetal ovarian cells disclosed in the Dubeau reference appear to be identical to the claimed cells. Applicants respectfully traverse this rejection.

The fetal ovarian cells described by Dubeau have an “epithelial nature [as] demonstrated from their positivity for epithelial-specific antigens” (p. 1233, 2nd column, last paragraph). The Dubeau reference further characterizes their cells by stating: “Long slender microvilli typical of mesothelium were not seen.” (p. 1234, Results, 3rd paragraph).

In contrast, Applicants’ claimed cells are ovarian mesothelial cells, not ovarian epithelial cells. Applicants have characterized their cells throughout the specification, in particular, on p.7 lines 4-13 as “cells derived from the mesoderm that have already committed to becoming cells of ovarian nature. More specifically, ovarian mesothelial cells of this invention refer to cell between the stage of being mesothelial cell and the stage prior to becoming a terminally differentiated to an ovarian surface epithelial cell or a granulosa cell.” Thus, the ovarian mesothelial cells of Applicants’ claimed invention can become an epithelial cell but, as claimed, are not epithelial cells.

Furthermore, the Dubeau reference states that their fetal ovarian “cells could only be cultured from the hilar region of the ovary and were apparently derived from rete ovarii” (p.

1233, 2nd column, last paragraph). As discussed at the interview, Applicants' claimed ovarian mesothelial cells can be grown from non-hilar regions of the ovary as well as the hilar region.

Thus, Applicants respectfully submit that the claimed ovarian mesothelial cells are not the same as the fetal ovarian epithelial cells described by the Dubeau reference and that Applicants' claimed ovarian mesothelial cells are patentable over Dubeau et al. In view of the foregoing, Applicants respectfully request that this rejection be withdrawn.

Claim rejections under 35 U.S.C. §103

Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dubeau et al. Applicants respectfully traverse this rejection.

Examiner alleges that it would be have been obvious to use the cells of Dubeau in assays determining the effects of substances on said cells or to isolate and use cellular products of the cells of Dubeau. The deficiencies of the Dubeau reference are discussed above. The Dubeau reference does not teach each and every aspect of the claimed invention. Therefore, Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

Applicant has, by way of the remarks presented herein, made a sincere effort to overcome rejections and address all issues that were raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested.

If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this

document to Deposit Account No. 03-1952 referencing docket no. 415072000600. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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